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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,151	09/07/2004	Tomoyuki Shudo	450100-04899	4086

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EXAMINER

CHANG, YEAN HSI

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/507,151

Applicant(s)

SHUDO ET AL. 

Examiner

Yean-Hsi Chang

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 September 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/7/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by NEC Corp. (JP 2000-196720 A, hereon NEC).

NEC teaches a portable display apparatus comprising: a main body (6, fig. 1) substantially in the form of a rectangular solid, and a cover (3) that has its one surface (2) facing the main body (shown in fig. 6) made to have substantially the same dimensions as those of the main surface of the main body (fig. 6), wherein the cover has a support portion (on the right of 3, shown in fig. 2) and a display portion (20) arranged along the longitudinal direction thereof, and the support portion is coupled to the main body at a position apart from the center along the longitudinal direction thereof (shown in fig. 2) through a first axis (8) that is perpendicular to the main surface of the main body, and can pivot around the first axis on the main surface of the main body (see fig. 2), and the display portion has arranged thereon a display panel (20) facing the main body (see fig. 6), and is coupled to the support portion through a second axis (7) that is perpendicular to the first axis (see fig. 2), and can pivot around the second axis (claim 1); the second axis is arranged at one side of the cover corresponding to the pivot direction around the first axis (shown in fig. 2) (claim 8);

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over NEC in view of AAPA (Applicant Admitted Prior Art as set forth in page 2, paragraph starting line 11).

NEC fails to teach the display panel has its aspect ratio set to be 16:9, and the longitudinal direction of the display panel corresponds to the longitudinal direction of the main body before being pivoted.

AAPA teaches a display of dimension 16:9, and being aligned in either direction. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of NEC with the display taught by AAPA for a better vision of the display.

6. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over NEC in view of Toshiba Corp. (JP 10-312334 A, hereon Toshiba).

NEC fails to teach the display panel displays data stored in a semiconductor storage medium which is a detachable memory card and is able to be inserted into an insertion slot formed at one end of the main body.

Toshiba teaches a display panel (11) displays data stored in a semiconductor storage medium (3) which is cable of being inserted into an insertion slot (18) formed at one end of a main body (1b).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of NEC with the semiconductor storage medium taught by Toshiba for increasing the flexibility of the display.

7. Claims 6-7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over NEC in view of SanGiovanni (US 6,850,784 B2).

NEC fails to teach one end of the main body along the longitudinal direction coupled to the support portion and corresponding one end of the support portion are formed into round shape, and the first axis is located at substantially the center of the rounded portion, and the end of the rounded portion of the support portion has arranged thereon an operation unit that controls displaying data on the display panel.

SanGiovanni teaches a display apparatus (100, fig. 1) comprising a main body (104) having one end (to the right of 104 in fig. 1) along a longitudinal direction coupled to a support portion (left portion of 102) of a cover (102) and corresponding one end of the support portion are formed into round shape (shown in fig. 1), and the end of the rounded portions of the support portion and the main body have been arranged thereon operation units (116 and 120) that controls displaying data on the display panel.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of NEC with the display apparatus taught by SanGiovanni for a nice appearance and comfortable to handle.

8. Claim9 is rejected under 35 U.S.C. 103(a) as being unpatentable over NEC in view of NEC Corp. (JP 2000-69158, hereon NEC-69158).

NEC fails to teach the second axis is interlocked with a power switch of the portable display apparatus, and the power switch is turned on when the display portion rotates more than a predetermined angle.

NEC-69158 teaches a power switch (43) interlocked with a axis (13), which is turned on when the cover portion (12) rotates more than a predetermined angle (see paragraph [0012]) for power savings and user convenience.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of NEC with the power switch taught by NEC-69158 for power savings and user convenience.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over NEC in view of Sony Corp. (JP 2002-9907 A, hereon Sony).

NEC fails to teach the main surface of the main body has formed thereon a track pad that is a planate pointing device.

Sony teaches a display apparatus (fig. 2) comprising a track pad (9) that is a planate pointing device being provided on a main surface of a main body (10) of the display apparatus for operational convenience.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of NEC with the track pad taught by Sony for operational convenience.


Correspondence

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yean-Hsi Chang whose telephone number is (571) 272-2038. The examiner can normally be reached on 07:30 - 16:00, Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the Art Unit phone number is (571) 272-2800, ext. 35. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8558.

Yean-Hsi Chang
Primary Examiner
Art Unit: 2835
February 18, 2006



YEAN-HSI CHANG
PRIMARY EXAMINER